

**CALENDAR ITEM
C80**

A 50
S 27

10/14/14
W 24665
D. Simpkin

**CONSIDER ACCEPTANCE OF AN OFFER OF DEDICATION
OF LATERAL ACCESS EASEMENT**

PARTY THAT RECORDED OFFER OF DEDICATION:

Ryan Family, LLC

PARTY TO ACCEPT EASEMENT:

California State Lands Commission

INTERESTED PARTY:

California Coastal Commission

BACKGROUND:

Since the adoption of the Constitution of California of 1879, access to California's public trust waterways has been a mandated responsibility of State government. The vast majority of the hundreds of title settlement agreements the State Lands Commission (Commission) has entered into since its inception in 1938 have included the provision of public access to the waterways involved.

In the 1960's, an organization with the acronym COAAST (Citizens Organized to Acquire Access to State Tidelands) began a "Save the Coast" campaign that eventually resulted in the adoption of Proposition 20 by the State's voters in 1972. Since the Legislature's passage of the Coastal Act in 1976, more than 1,500 offers to dedicate (OTDs) public access easements, both vertical and lateral (i.e., to and along the coast), have been made involving California's 1,100-mile coastline.

These OTDs were formally made and recorded by property owners as a condition of approval of permits to develop within the Coastal Zone. These OTDs have a 21-year life from the date of recording and will expire if not formally accepted by a public agency within that time period.

The OTDs were required to ensure protection of existing public rights of use and to mitigate and compensate for the impacts to public access caused by development. In many cases, the location of the boundary between the privately-owned uplands and the publicly-owned tidelands is unsettled. Furthermore, the public may have acquired rights of use through the doctrine of implied dedication and have rights of recreational use in any area subject to the public easement in navigable waters. Therefore, these OTDs

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may describe and include areas already having public rights of use or public ownership. Acceptance by the Commission of the OTDs does not change the nature of the existing rights, but removes any question of the public's right of use of the area described.

The California Coastal Commission has requested that the State Lands Commission review and, where appropriate, accept OTDs of lateral access easements involving sandy beach areas lying adjacent to tidelands managed by the Commission. Commission staff is involved in an ongoing process with the Coastal Commission to analyze the OTDs and determine which offers the Commission should accept.

The Commission has already authorized the acceptance of more than 250 OTDs along the coast of California between April 2, 1991 and August 14, 2012, the majority of which are located in the Malibu area of Los Angeles County.

The Commission's liability for holding these lateral parcels is limited by section 831.2 of the Government Code, which provides that a public entity is not liable for injury caused by a natural condition of any unimproved public property. There should be no maintenance and little management required for these easements because of the lack of improvements on the parcels and because the easements simply provide the public with the right to access and use the beach.

OTDs generally involve sandy beach areas lying between the private structure built on the upper beach and the tidelands which are already State-owned and under the Commission's jurisdiction. Therefore, these areas are not only appurtenant to the Commission's existing area of ownership and jurisdiction, but are, for all practical public use purposes, integral to it. Staff reviewed the offer of the property interest shown on the attached Exhibit B and recommends approval.

OTHER PERTINENT INFORMATION:

1. The Coastal Development Permit (No. 11-034) that required the OTD at 28126 Pacific Coast Highway as a condition was approved on February 4, 2013 by the City of Malibu. Ryan Family, LLC recorded the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions on January 27, 2014, as Document No. 20140088578, Official Records of Los Angeles County. The OTD expires on January 26, 2035.
2. The staff recommends that the Commission find that the subject acceptance of an offer of dedication does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

CALENDAR ITEM NO. **C80** (CONT'D)

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Site and Location Map
- B. Property Information

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject acceptance of an offer of dedication is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve and authorize the acceptance of the Irrevocable Offer to Dedicate Public Access Easement recorded on January 27, 2014, as Document No. 20140088578, Official Records of Los Angeles County. Authorize the execution, acknowledgment, and recordation of the acceptance and consent to record on behalf of the California State Lands Commission, in substantially the form of the copy of such document on file in the Sacramento office of the Commission.



EXHIBIT A

TS 08/12/14

W 24665
 28126 PACIFIC COAST HIGHWAY,
 MALIBU, LOS ANGELES COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



**CSLC
EXHIBIT B-1
W 24665
(LATERAL ACCESS EASEMENT)
28126 PACIFIC COAST HWY, MALIBU
A.P.N. 4460-033-011**

A lateral access easement over that portion of Lot 21 of Block 2, of Tract No. 12935., in the City of Malibu, County of Los Angeles, State of California, as per map recorded in Book 248, pages 39 and 40 of Maps, in the office of the County Recorder of said County, recorded in a Deed as Parcel 3 and Parcel 4, Instrument No 05-2516715 of Official Records and recited as follows:

GRANTOR PARCEL

Parcel 3:

Lot 21 in Block 2 of Tract No. 12935, In the City of Malibu, as per map recorded in Book 248 Pages 39 and 40 of Maps, in the office of the county recorder of said county.

Except therefrom that portion of said lot, lying Northerly of a line at right angles to the Easterly line of said lot and distant Southerly 289.93 feet measured along the Easterly line of said lot, from the Northeasterly corner thereof.

Also except therefrom the Easterly 50.00 feet of that portion of said lot, lying between ordinary high tide line of the Pacific Ocean (as surveyed January 20, 1939) and a line bearing South 55°59'36" West from a point in the Easterly line of said lot, said point being Southerly 220.15 feet from an angle point In the Easterly line.

"Except any portion of said land lying outside of the patent lines of the Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the patent which was not formed by the deposit of alluvion from natural causes and imperceptible degrees".

Parcel 4:

That portion of Lot 20 in Block 2 of Tract No. 12935, in the City of Malibu, as per map recorded in Book 248 Pages 39 and 40 of Maps, in the office of the county recorder of said county, described as follows:

Beginning at a point In the Easterly line of Lot 21 in Block 2 of said Tract No. 12935 distant Southerly, measured along said Easterly line, 220.15 feet from the angle point in said Easterly line; thence Northerly along said Easterly line of said Lot 21, 220.15 feet to said angle point; thence Northerly along said Easterly line to a point thereof Southerly 289.93 feet from the Northeasterly corner of said Lot 21; thence Easterly at right angles to said Easterly line to a point on a straight line drawn between said Northeasterly corner of said Lot 21 and the point of beginning of this description; thence Southerly along said straight line to the point of beginning.

Except therefrom all minerals, oil, petroleum, asphaltum, gas, coal, hydrocarbon substances, water or rights to water contained in, on, within and under said lands and every part thereof but

without right of entry, as contained in the deed from Marblehead Land Company, recorded August 29, 1941 in Book 18661 Page 376, of Official Records.

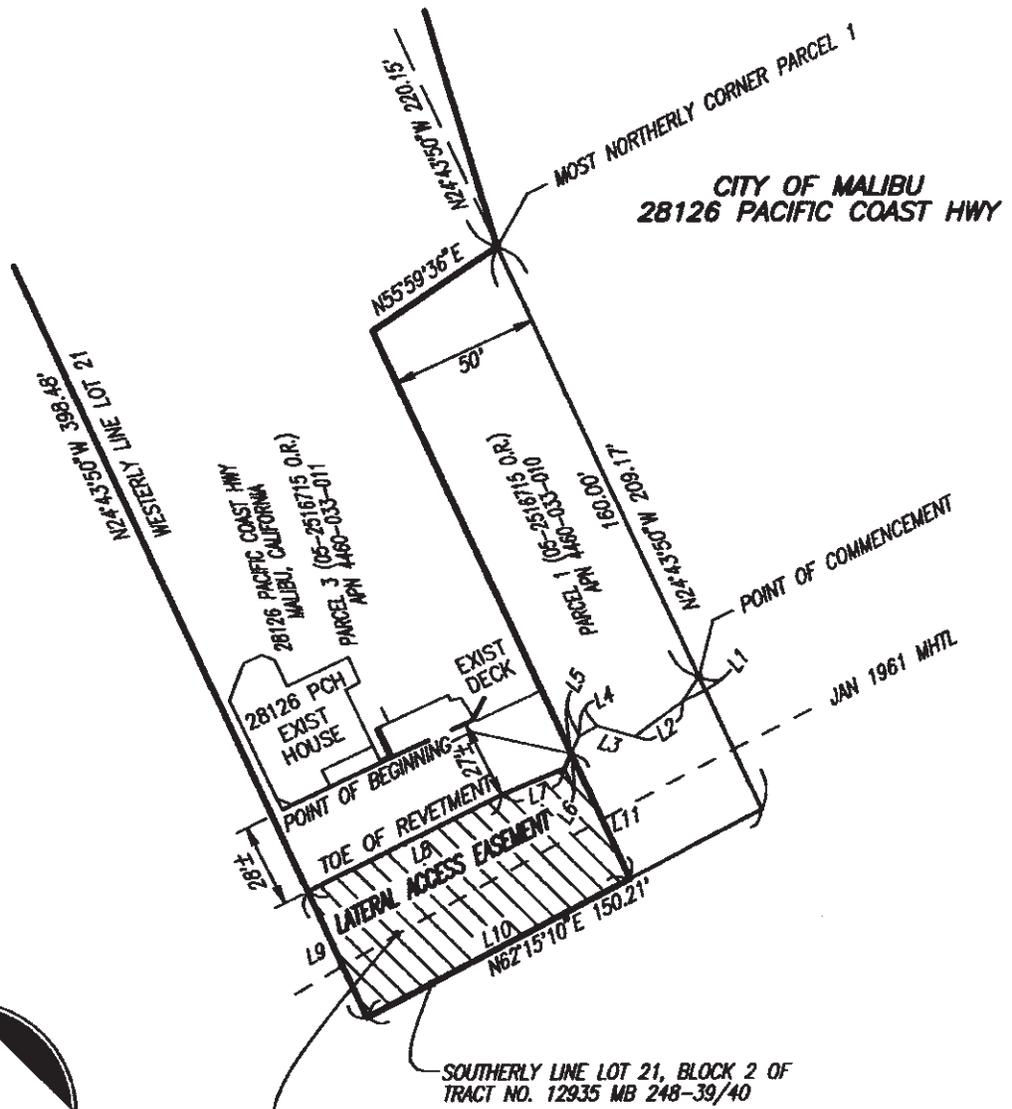
Also except any portion of said land, which at any time was tidal lands, which was not formed by the deposit of alluvion from natural cause and by imperceptible degrees.

LATERAL ACCESS EASEMENT

Said lateral access easement lying described as follows:

Commencing at a point on the Easterly line of Parcel 1 of said Deed, at the toe of an existing revetment, distant South 24°43'50" East 160.00 feet from the most Northerly corner of said Parcel 1; thence along said toe the following courses: South 34°30'00" West 10.00 feet; thence South 54°00'00" West 20.00 feet; thence North 74°00'00" West 13.00 feet; thence South 61°00'00" West 7.00 feet; thence South 25°00'00" West 6.50 feet to the Easterly line of said Parcel 3 and the **Point of Beginning; thence, continuing along said toe, South 25°00'00" West 5.50 feet; thence South 67°30'00" West 23.00 feet; thence South 63°30'00" West 72.87 feet to the Westerly line of said Parcel 3; thence Southerly along said Westerly line of Parcel 3 South 24°43'50" East 46.90 feet to the Southerly line of said Parcel 3; thence North 62°15'10" East 100.15 feet along said Southerly line to the Easterly line of said Parcel 3; thence Northerly along said Easterly line North 24°43'50" West 46.54 feet to the **Point of Beginning**.**

CSLC
EXHIBIT B-2
W 24665



SCALE: 1"=60'

THE MEAN HIGH TIDE LINE IS ABMULATORY AND IS DEPICTED FOR REFERENCE ONLY.

- L1 S34°30'00"W 10.00'
- L2 S54°00'00"W 20.00'
- L3 N74°00'00"W 13.00'
- L4 S61°00'00"W 7.00'
- L5 S25°00'00"W 6.50'
- L6 S25°00'00"W 5.50'
- L7 S67°30'00"W 23.00'
- L8 S63°30'00"W 72.87'
- L9 S24°43'50"E 46.90'
- L10 N62°15'10"E 100.15'
- L11 N24°43'50"W 46.54'